CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

October 23, 2006

Brazos Restaurant Acquisition Corp.
6600 Campus Circle Drive
Ste 560
Irving, TX 75063

Re: **VAC2006-00032** - Request to vacate a portion of platted access control, generally located south of 13th St N & west of K-96.

Dear Ladies and Gentlemen:

At its regular meeting on Tuesday, October 17, 2006, the Wichita City Council considered the request. The action of the City Council was to APPROVE subject to the recommendation by the MAPC.

If you have any questions about this matter, please call 268-4494.

Sincerely,

Bill Longnecker
Senior Planner

BL:le

cc: Jim Armour, City Engineer, Public Works Department, Mail Stop 1-71
Paul Gunzelman/Carla Jones, Public Works Engineering, Mail Stop 1-71
PEC, c/o Rob Hartman, 303 S. Topeka, Wichita, KS 67202
Venture Seven Development, LLC & Gateway Center LLC, 150 N Market, Wichita, KS 67202
Gateway Center Addition Master owner Association, ~~7765 Killarney, Wichita, KS 67206~~ mail to: 13628 SW 70th Street, Andover, KS 67002-8226
Chapel Hill Fellowship, A United Methodist Church, 11600 E. 13th North, Wichita, KS 67206

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METROPOLITAN PLANNING
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BEFORE THE CITY COUNCIL OF THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF A PORTION OF PLATTED COMPLETE ACCESS CONTROL GENERALLY LOCATED SOUTH OF 13TH STREET NORTH AND WEST OF STATE HIGHWAY K-96 MORE FULLY DESCRIBED BELOW	Case No. VAC2006-00032

VACATION ORDER

NOW on this 17th day of October, 2006 comes on for hearing the petition for vacation filed by Professional Engineering Consultant c/o Rob Hartman praying for the vacation of the following described portion of platted complete access control, to-wit:

The east 50.00 feet of the north lot line (running parallel to 13th Street North) of Lot 10, Block 1, The Gateway Center 2nd Addition, Wichita, Sedgwick County, Kansas.

The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

1. That due and legal notice has been given by publication as required by law, by publication in The Wichita Eagle on August 17, 2006, which was at least 20 days prior to the public hearing.

2. No private rights will be injured or endangered by the vacation of the above-described portion of platted complete access control and the public will suffer no loss or inconvenience thereby.

3. The vacated portion of complete access control will allow one (1) right-in only access to Lots 10 & 11, Block 1, Gateway Center 2nd Addition.

4. In justice to the petitioner(s), the prayer of the petition ought to be granted.

5. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.

6. The vacation of the portion of platted complete access control described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 17th day of October 2006 ordered that the above-described portion of platted complete access control is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.

Carlos Mayans, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Gary Rebenstorf, Director of Law

METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 4-3
September 7, 2006

STAFF REPORT

CASE NUMBER: **VAC2006-00032** Request to vacate a portion of platted access control
APPLICANTS/OWNER: Brazos Restaurant Acquisition Corp.

AGENT: PEC c/o Rob Hartman

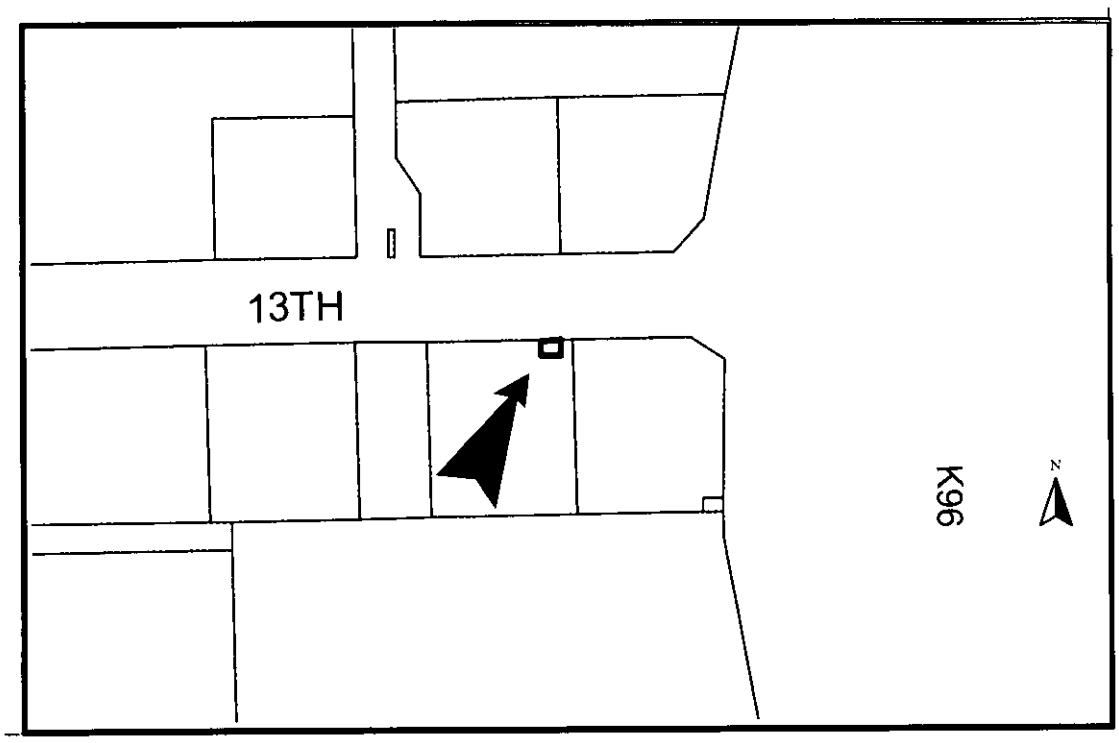
LEGAL DESCRIPTION: Generally described as a portion of the platted complete access control (onto 13th Street North) running parallel to the north lot line of Lot 10, Block 1, located on the east lot line of said lot, all in the Gateway Center 2nd Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located south of 13th St N & west of K-96 (WCC District #II)

REASON FOR REQUEST: Right-in only access for new development

CURRENT ZONING: The site and the abutting and adjacent properties are zoned "LC" Limited Commercial. The site is part of CUP DP-239

VICINITY MAP:



The applicant has applied for the vacation of the described portion of platted complete access control to allow a proposed right-in access onto Lots 10 & 11, Gateway Center 2nd Addition. The access would begin at the common lot line of said lots, which is approximately 164.67-feet from the 13th Street North - K-96

interchange (east) and 205.46-feet (minus the width of the proposed access) from a full movement drive (west). The Gateway Center 2nd Addition was recorded with the Register of Deeds April 13, 2005. North of the site, across 13th Street North there is (a) The Chapel Hill 2nd Addition (recorded May 5, 2003), which has approximately 356-feet of complete access control/13th Street frontage, with platted public ROW for access located parallel to the east side of Lot 1, Block 1 of said subdivision. And (b) the Dillon 12th Addition (recorded June 24, 1997), which has approximately 1,560-feet of 13th Street frontage, with 6 points of access onto 13th, one of which is a major full movement access point.

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from Public Works, franchised utility representatives and other interested parties, Planning Staff recommends approval to vacate a portion of the described platted access control, per the approval of the Traffic Engineer, with conditions.

A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:

1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle of notice of this vacation proceeding one time August 17, 2006 which was at least 20 days prior to this public hearing.

2. That no private rights will be injured or endangered by the vacation of the above-described portion of platted complete access control and the public will suffer no loss or inconvenience thereby.

3. In justice to the petitioner, the prayer of the petition ought to be granted.

Therefore, the vacation of a portion of the platted complete access control described in the petition should be approved with conditions;

(1) Vacate that portion of platted access control along the site's 13th Street North frontage, as approved by the Traffic Engineer to establish right-in only access across the subject site. Provide Planning Staff with a legal description of the vacated portion of complete access control on a Word document, via e-mail, to be used in the vacation order and petition.

(2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicant's expense. Retain all easements

(3) All improvements shall be the responsibility of the applicants, at the applicant's expense and shall be according to City Standards, including any driveways from private property onto public ROW.

(4) The site is in CUP DP-239, if necessary apply for an adjustment to the CUP to reflect the change in access.

(5) Per MAPC Policy Statement #7,all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation request are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken

final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions;

(1) Vacate that portion of platted access control along the site's 13th Street North frontage, as approved by the Traffic Engineer to establish right-in only access across the subject site. Provide Planning Staff with a legal description of the vacated portion of complete access control on a Word document, via e-mail, to be used in the vacation order and petition.

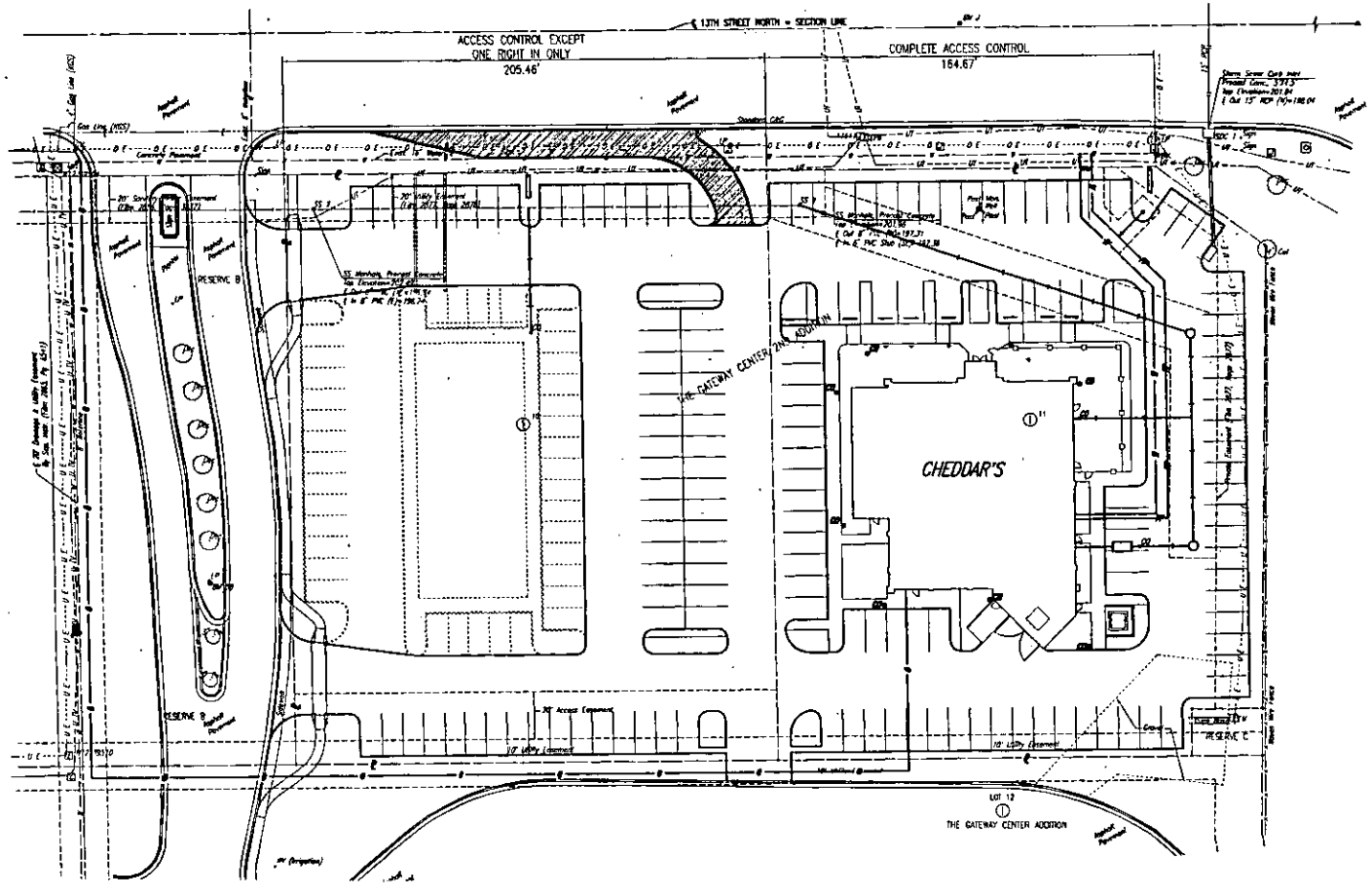
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VAC2006-32



SITE PLAN

SCALE 1"=30'

SHELDEN ARCHITECTURE

Cheddar's casual cafe AT PLAZZIO

A

DATE

CONSTRUCTION